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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,624	05/14/2007	Haseeb Akhtar	16812RRUS06N	2298

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EXAMINER	
ALGIBHAH, HAMZA N	
ART UNIT	**PAPER NUMBER**
2448	

NOTIFICATION DATE	DELIVERY MODE
12/22/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@munckcarter.com
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Office Action Summary	Application No.	Applicant(s)	
	10/590,624	AKHTAR ET AL.	
	Examiner	Art Unit	
	HAMZA ALGIBHAH	2448	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 July 2011*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13 and 22-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13 and 22-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 August 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Amendment

In view of the pre-appeal brief filed on 07/18/2011 PROSECUTION IS HEREBY REOPENED. An new action is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

1. **Claims 1-13 and 22-25** are pending.

2. **Claims 1-13 and 22-25** are rejected.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. ***Claims 1-10, 22 and 24 are rejected*** under 35 U.S.C. 103(a) as being as being unpatentable by Sayeedi et al (Pub No.: US 2002/0145999 A1) and further in view of Dietz et al (Pub. No.: US 2004/0083299 A1).

As per claim 1, Sayeedi discloses: a method of operating a packet network, the method comprising:

- ***processing a message*** (Sayeedi, paragraph 0006) wherein the request received can be the message as claimed ***in a standardized interface*** (Sayeedi, paragraph 0005) wherein the A1 through A11 interfaces can be the standardized as claimed, Sayeedi does not specifically disclose that ***the message including an indicia and identifying a packet application in response to the indicia.*** However Dietz discloses that ***the message including an indicia*** (Dietz, paragraph 0037) wherein the signature (also called a key) that is used to recognize the application program can be the indicia as claimed, ***and identifying a packet application in response to the indicia*** (Dietz, paragraph 0036-0037).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate Dietz teaching of identifying the packet application as claimed into Sayeedi System because this would have provided a way to optimize the system to process messages differently based on the application corresponding to the message;

As per claim 2, claim 1 is incorporated and Sayeedi further discloses that the standardized interface is an A1 interface *(*Sayeedi, Fig 1, paragraph 0005*);* Sayeedi teaches A1-A11 interfaces and in addition Fig 1 shows the use of A1 interface between the Source BS and the MSC;

As per claim 3, claim 1 is incorporated and Sayeedi further discloses that the standardized interface is an A3 interface *(*Sayeedi, Fig 1, paragraph 0005*);* Sayeedi teaches A1-A11 interfaces and in addition Fig 1 shows the use of A3 interface between the Target BS and the Source BS;

As per claim 4, claim 1 is incorporated and Sayeedi further discloses that the standardized interface is an A5 interface *(*Sayeedi, Fig 1, paragraph 0005*);* Sayeedi teaches A1-A11 interfaces and in addition Fig 1 shows the use of A5 interface between the Source BS and the MSC;

As per claim 5, claim 1 is incorporated and Sayeedi further discloses that the standardized interface is an A7 interface *(*Sayeedi, Fig 1, paragraph 0005*);* Sayeedi teaches A1-A11 interfaces and in addition Fig 1 shows the use of A7 interface between the Target BS and the Source BS;

As per claim 6, claim 1 is incorporated and Sayeedi further discloses that the standardized interface is an A9 interface *(*Sayeedi, Fig 1, paragraph

0005*);* Sayeedi teaches A1-A11 interfaces and in addition Fig 1 shows the use of A9 interface between the Source BS and the PCF;

As per claim 7, claim 1 is incorporated and Sayeedi further discloses that the standardized interface is an A10 interface *(*Sayeedi, Fig 1, paragraph 0005*);* Sayeedi teaches A1-A11 interfaces and in addition Fig 1 shows the use of A10 interface between the PCF and the PDSN;

As per claim 8, claim 1 is incorporated and Sayeedi further discloses that the standardized interface is an A11 interface *(*Sayeedi, Fig 1, paragraph 0005*);* Sayeedi teaches A1-A11 interfaces and in addition Fig 1 shows the use of A11 interface between the PCF and the PDSN;

As per claim 9, claim 1 is incorporated and Sayeedi further discloses that the packet application is a control plane packet application *(*Sayeedi, Fig 1, paragraph 0020, 0025*);*

As per claim 10, claim 1 is incorporated and Sayeedi further discloses that the packet application is a bearer packet application *(*Sayeedi, paragraph 0006*);*

As per claim 22, Sayeedi discloses: a method of operating a packet network, comprising the steps of:

- ***processing a message*** *(*Sayeedi, paragraph 0006) wherein the request received can be the message as claimed ***in a standardized interface*** *(*Sayeedi, paragraph 0005) wherein the A1 through A11 interfaces can be the standardized as claimed**.** Sayeedi does not specifically disclose ***that***
- ***the message including an indicia and the indicia indicating a packet application to be transported across the interface; identifying a packet application in response to the indicia;***
- ***distinguishing a first type of content in the packet application from a second type of content in the packet application; and***
- ***treating the first type of content differently from the second type of content*** However Dietz discloses that ***the message including an indicia*** (Dietz, paragraph 0037) wherein the signature (also called a key) that is used to recognize the application program can be the indicia as claimed, ***and the indicia indicating a packet application to be transported across the interface; identifying a packet application in response to the indicia*** (Dietz, paragraph 0036-0037);
- ***distinguishing a first type of content in the packet application from a second type of content in the packet application*** (Dietz, paragraph 0151-0152) wherein the process of determining if a packet contains a signature can be the process of distinguishing a first type of content in the packet application from

a second type of content in the packet application wherein the first type of content can be the content that matches the signature compared and the second type of content can be the content that didn't match the signature compared; ***and***

- ***treating the first type of content differently from the second type of content application*** (Dietz, paragraph 0151-0152) wherein the process of treating the packet without the compared signature (second type of content) by creates a new record is different from the process of treating the packet with the compared signature (first type of content).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate Dietz teaching of identifying the packet application and treating packets differently as claimed into Sayeedi System because this would have provided a way to optimize the system to process messages differently based on the application corresponding to the message;

As per claim 24, claim 22 is incorporated and Sayeedi further discloses that the first type of content is a signaling packet and the second type of content is payload packet (Sayeedi, paragraph 0020);

5. ***Claims 11-13 and 25 are rejected*** under 35 U.S.C. 103(a) as being as being anticipated over Sayeedi et al (Pub No.: US 2002/0145999 A1) and further in view of

Dietz et al (Pub. No.: US 2004/0083299 A1)) and Bao et al (Pub. No.: US 2004/01966826 A1).

As per claim 11, claims 1 is incorporated and Sayeedi and Dietz do not specifically disclose that the packet application is a push-to-talk packet application. However Bao discloses ***that the packet application is a push-to-talk packet application*** (Bao, abstract, paragraph 0036).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate Bao teaching of using a push to talk packet application into Sayeedi and Dietz System because this would have provided a way to optimize the system to support the push-to-talk applications;

As per claim 12, claims 1 is incorporated and Sayeedi and Dietz do not specifically disclose that the packet application is a Voice-over-IP packet application. However Bao discloses ***that the packet application is a Voice-over-IP packet application*** (Bao, abstract, paragraph 0036).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate Bao teaching of using a push to talk packet application into Sayeedi and Dietz System because this would have provided a way to optimize the system to support the VOIP applications;

As per claim 13, claims 1 is incorporated and Sayeedi and Dietz do not specifically disclose that the packet application is a delay-sensitive packet application. However Bao discloses ***that the packet application is a delay-sensitive packet application*** (Bao, abstract, paragraph 0036).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate Bao teaching of using a push to talk packet application into Sayeedi and Dietz System because this would have provided a way to optimize the system to support the delay-sensitive applications;

As per claim 25, claims 22 is incorporated and Sayeedi and Dietz do not specifically that the first type of content is a control place packet and the second type of content is bearer packet. However Bao discloses ***that the first type of content is a control place packet and the second type of content is bearer packet*** ((Bao, paragraph 0016, 0018).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate Bao teaching of having the first type of content as a control place packet and the second type of content as a bearer packet into Sayeedi and Dietz System because this would have provided a way to optimize the system to support the VOIP and push-to-talk applications;

6. ***Claim 23 is rejected*** under 35 U.S.C. 103(a) as being as being anticipated over Sayeedi et al (Pub No.: US 2002/0145999 A1) and further in view of Dietz et al (Pub. No.: US 2004/0083299 A1)) and Akhtar et al (Patent. No.: US 6,418,139 B1).

As per claim 23, claim 22 is incorporated and Sayeedi and Dietz do not specifically disclose raising a priority level associated with the first type of content. However Akhtar discloses ***raising a priority level associated with the first type of content*** (Akhtar, col 2 line 63 – col 3line: 12).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate Bao teaching of raising the priority level as claimed into Sayeedi and Dietz System because this would have provided a way to provide different levels of quality of services based on packets types;

Response to Arguments

7. Applicant's argument filed on 07/18/2011 has been fully considered but they are now moot in light of the new ground of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAMZA ALGIBHAH whose telephone number is (571)270-7212. The examiner can normally be reached on Monday-Thursday, 7:30AM-5:00PM, EST, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-67036703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HAMZA ALGIBHAH/

Examiner, Art Unit 2448

/FIRMIN BACKER/

Supervisory Patent Examiner, Art Unit 2448